



## Greater Hartford Legal Aid, Inc.

### Testimony of Attorney Sue Garten In Support of SB 399

#### **AA Establishing a Civil Action with Respect to Criminal Records Used in Employment Decisions**

I am an attorney at Greater Hartford Legal Aid. I am here on behalf of Connecticut's legal services programs to testify in support of SB 399. This bill creates a civil action for job applicants and employees who lose job opportunities because employers made hiring decisions based on inaccurate criminal history information provided by consumer reporting agencies.

Although Connecticut law says that employers cannot deny employment to a prospective employee solely on the basis of that person's erased arrests or convictions (CGS §31-51i(d)), an applicant's chance of getting a job is often fatally damaged when a consumer reporting agency discloses obsolete and inaccurate criminal history information to an employer. The legislature cannot accomplish its goal of promoting the employment of rehabilitated individuals unless there is an enforcement mechanism for persons who lose job opportunities because consumer reporting agencies disclose and employers act on erased records.

Many employers routinely hire consumer reporting agencies to conduct background checks on prospective employees. Although consumer reporting agencies are supposed to use only the most accurate and updated information available when disclosing criminal records to prospective employers (CGS § 31-51i(h)(2)(B); §54-142e), many agencies- particularly the smaller ones- are not complying with the law. They report arrests and convictions which have been erased by operation of law or erased because the person was granted a pardon by the Board of Pardons and Paroles. All of the other New England states have recognized the harm caused by inaccurate background reports and allow workers to seek redress for violations of consumer reporting statutes. (See OLR Research Report 2009-R-0447.)

In my work at Legal Aid, I represent clients applying for pardons from the Board of Pardons and Paroles. The Board closely scrutinizes each application to make sure that it grants pardons only to people who have stayed out of trouble and made positive contributions to their families and communities for many years. Getting through the application process and receiving a pardon is a major accomplishment. The Board granted only 1,368 pardons in the eight years between 2001 and 2008. When the Board grants a pardon, the person's criminal record is supposed to be erased and no longer subject to disclosure. (CGS §54-142a.)

There presently is no mechanism in state law to enforce the important legislative policy of promoting the employment of rehabilitated individuals. SB 399 fills that void and I urge its passage.